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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,962	06/02/2005	Rajesh Bhagwandas Khandelwal	9432-179/NPB	1018
27572 7590 02/06/2008 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303				
			EXAMINER CHOKSHI, PINKAL R.	
			ART UNIT 2623	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/509,962

Applicant(s)

KHANDELWAL ET AL.

Examiner

Pinkal Chokshi

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-7, 10-22, and 25-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,818,441 to Throckmorton et al (hereafter referenced as Throckmorton) in view of WO Publication 02/15068 A1 to Hiruma et al. (hereafter US Publication 2002/0152091 A1 to Nagaoka et al. will be used as a certified translation).

Regarding **claim 1**, "a media distribution system adapted to supply media content from disparate sources" reads on a system that receives media from primary and associated sources and sends it over to receiver (abstract) as disclosed by Throckmorton and represented in Fig. 2 (elements 10, 16). As to "a system comprising: an encoder tagging media content with an identifier tag useful in synchronization with additional media content, and useful in delivery of the media content" Throckmorton discloses (col.4, lines 52-55; col.5, lines 15-18, lines 48-52) that the data synchronizer synchronizes primary data stream with specific data stream associated with the primary stream and sends it to encoder via sequencer where encoder delivers the content to consumer's medium and as represented in Fig. 2.

As to “an output transmitting the media content to a distribution mechanism adapted to distribute the media content to media delivery devices” Throckmorton discloses (col.5, line 65-col.6, line 2) that the transmitter transmits the content received from encoder to receiver as represented in Fig. 2 (element 30).

Throckmorton meets all the limitations of the claim except “a distribution mechanism distributing the media content to a media delivery device adapted to record a channel upon which the identifier tag arrived.” However, Nagaoka discloses (¶0040) that the mobile terminal device receives the broadcasted data from receiver and stores it in storage device of terminal. As to “adapted to obtain additional media content from a disparate source” Nagaoka discloses (¶0045, ¶0046) that the receiver receives the data from broadcast station and obtains information related to data from TMS via public network such as Internet. As to “adapted to synchronize the media content with the additional media content according to the identifier tag and the channel, and adapted to deliver the additional media content to a consumer according to the identifier tag and a remote channel control function of the media delivery device” Nagaoka discloses (¶0045, ¶0046, ¶0047) that the receiver receives the data from broadcast station and obtains information related to data from TMS via public network, transmits both these data to the mobile terminal which stores it in storage device. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to use a media delivery device such as mobile terminal to

record and store the data received from receiver in order to make use of the program contents and the information related to this program by sharing it with other devices on the network and also to watch these programs whenever user wants to in his/her leisure instead of sending a request and waiting to receive a program.

Regarding **claim 2**, Throckmorton meets all the limitations of the claim except "the system wherein said distribution mechanism is adapted to broadcast the media content to media delivery devices." However, Nagaoka discloses (¶0040) that the mobile terminal device receives the broadcasted data from receiver. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to use a media delivery device such as mobile terminal to receive the data from receiver in order to watch the programs whenever user wants to in his/her leisure and receive all the information about the program.

Regarding **claim 3**, "the system wherein said distribution mechanism is adapted to narrowcast the media content to a media delivery device in response to a request for the media content" Nagaoka discloses (¶0046) that the request to reproduce a program is generated in the mobile phone and is sent to the STB. In addition, the same motivation is used as rejection for claim 1.

Regarding **claim 4**, "the system wherein said encoder is adapted to insert an identifier tag into a vertical blanking interval of a sequence of video frames using a format that is compatible with a video data stream" Throckmorton discloses (col.5, lines 55-59; col.7, lines 54-65) that the specific data associated with primary data is encoded in the VBI of the television signal.

Regarding **claim 5**, "the system wherein said wherein said encoder is adapted to insert a tag into a web page" Throckmorton discloses (col.9, lines 9-11 and see claim 42) that the associated data includes pointers to web page.

Regarding **claim 6**, "the system wherein the media content corresponds to a textual description" Throckmorton discloses (col.9, lines 1-14) that the associated data contents can be received via sending text messages about the program.

Regarding **claim 7**, "the system wherein the media content corresponds to an image" Throckmorton discloses (col.3, lines 62-67) that the primary and associated data are outputted in formats such as html to view in graphic layout and JPEG format for still images.

Regarding **claim 10**, "the system wherein the media content corresponds to a link to the additional media content via a communications system"

Throckmorton discloses (col.9, lines 10-15) that the associated data includes pointers to links on an online services.

Regarding **claim 11**, "the system wherein the media content corresponds to audio visual media content" Throckmorton discloses (col.3, lines 51-54) that the primary stream data includes audio video data.

Regarding **claim 12**, "the system wherein said encoder is adapted to select the identifier tag based on material characteristics of the media content" Throckmorton discloses (col.5, lines 19-30) that the sequencer monitors the output from primary data stream to obtain the information such as time code information necessary to sequence transmission of associated data stream.

Regarding **claim 13**, "the system wherein said encoder is adapted to insert the identifier tag into a real-time distribution channel" Throckmorton discloses (col.7, lines 21-30) that the real time trigger accepts instructions sent as part of the associated data to display a page of information as represented in Fig. 5 (element 76).

Regarding **claim 14**, "the system wherein said distribution mechanism is adapted to employ a real-time distribution channel to ensure delivery of the media content at a scheduled time without being affected by a distribution load"

Throckmorton discloses (col.1, lines 59-67; col.7, lines 21-29) that the consumer receives the real-time data during the process of program reception.

Regarding **claim 15**, "the system wherein said encoder is adapted effectively to hide the identifier tag within a data stream to ensure that consumers not having suitably equipped media delivery devices are able to consume the media content without any awareness that the media content has been tagged, and to ensure that consumers having a suitably equipped media delivery device are able to enjoy an interactive experience facilitated by the identifier tag."

Throckmorton discloses (col.7, line 54-col.8, line 15) that the client device receives primary data as well as associated data, which is stored locally in the device so the user does not have to go and look for the associated data related with the primary data which is playing on the display device. The associated data provider has already been previously researched and sent as associated data with primary data which is hidden/stored in local storage device so the user can have enhanced viewing experience.

Regarding **claim 16**, "a method for supplying media content from disparate sources" reads on a system that receives media from primary and associated sources and sends it over to receiver (abstract) as disclosed by Throckmorton and represented in Fig. 2 (elements 10, 16). As to "method comprising: tagging media content with an identifier tag useful in synchronization



with additional media content, and useful in delivery of the media content”

Throckmorton discloses (col.4, lines 52-55; col.5, lines 15-18, lines 48-52) that the data synchronizer synchronizes primary data stream with specific data stream associated with the primary stream and sends it to encoder via sequencer where encoder delivers the content to consumer's medium and as represented in Fig. 2.

As to “transmitting the media content to a distribution mechanism adapted to distribute the media content to media delivery devices” Throckmorton discloses (col.5, line 65-col.6, line 2) that the transmitter transmits the content received from encoder to receiver as represented in Fig. 2 (element 30).

Throckmorton meets all the limitations of the claim except “distributing the media content to a media delivery device adapted to obtain additional media content from a disparate source” However, Nagaoka discloses (¶0040) that the mobile terminal device receives the broadcasted data from receiver and stores it in storage device of terminal. As to “adapted to synchronize the media content with the additional media content according to the identifier tag and adapted to deliver the media content to a consumer according to the identifier tag” Nagaoka discloses (¶0045, ¶0046, ¶0047) that the receiver receives the data from broadcast station and obtains information related to data from TMS via public network, transmits both these data to the mobile terminal which stores it in storage device. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to use a media delivery device such as mobile

terminal to record and store the data received from receiver in order to make use of the program contents and the information related to this program by sharing it with other devices on the network and also to watch these programs whenever user wants to in his/her leisure instead of sending a request and waiting to receive a program.

Regarding **claim 17**, Throckmorton meets all the limitations of the claim except "the method wherein said distributing includes broadcasting the media content to media delivery devices." However, Nagaoka discloses (§10040) that the mobile terminal device receives the broadcasted data from receiver. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to use a media delivery device such as mobile terminal to receive the data from receiver in order to watch the programs whenever user wants to in his/her leisure and receive all the information about the program.

Regarding **claim 18**, "the method wherein said distributing includes narrowcasting the media content to a media delivery device in response to a request for the media content" Nagaoka discloses (§10046) that the request to reproduce a program is generated in the mobile phone and is sent to the STB. In addition, the same motivation is used as rejection for claim 16.

Regarding **claim 19**, "the method wherein said tagging includes inserting an identifier tag into a vertical blanking interval of a sequence of video frames using a format that is compatible with a video data stream" Throckmorton discloses (col.5, lines 55-59; col.7, lines 54-65) that the specific data associated with primary data is encoded in the VBI of the television signal.

Regarding **claim 20**, "the method wherein said tagging includes inserting a tag into a web page" Throckmorton discloses (col.9, lines 9-11 and see claim 42) that the associated data includes pointers to web page.

Regarding **claim 21**, "the method wherein the media content corresponds to a textual description" Throckmorton discloses (col.9, lines 1-14) that the associated data contents can be received via sending text messages about the program.

Regarding **claim 22**, "the method wherein the media content corresponds to an image" Throckmorton discloses (col.3, lines 62-67) that the primary and associated data are outputted in formats such as html to view in graphic layout and JPEG format for still images.

Regarding **claim 25**, "the method wherein the media content corresponds to a link to the additional media content via a communications system"

Throckmorton discloses (col.9, lines 10-15) that the associated data includes pointers to links on an online services.

Regarding **claim 26**, "the method wherein the media content corresponds to audio visual media content" Throckmorton discloses (col.3, lines 51-54) that the primary stream data includes audio video data.

Regarding **claim 27**, "the method comprising selecting the identifier tag based on material characteristics of the media content" Throckmorton discloses (col.5, lines 19-30) that the sequencer monitors the output from primary data stream to obtain the information such as time code information necessary to sequence transmission of associated data stream.

Regarding **claim 28**, "the method wherein said tagging includes inserting the identifier tag into a real-time distribution channel" Throckmorton discloses (col.7, lines 21-30) that the real time trigger accepts instructions sent as part of the associated data to display a page of information as represented in Fig. 5 (element 76).

Regarding **claim 29**, "the method wherein said transmitting and distributing include employing a real-time distribution channel to ensure delivery of the media content at a scheduled time without being affected by a distribution

load” Throckmorton discloses (col.1, lines 59-67; col.7, lines 21-29) that the consumer receives the real-time data during the process of program reception.

Regarding **claim 30**, “the method wherein said tagging includes effectively hiding the identifier tag within a data stream to ensure that consumers not having suitably equipped media delivery devices are able to consume the media content without any awareness that the media content has been tagged, and to ensure that consumers having a suitably equipped media delivery device are able to enjoy an interactive experience facilitated by the identifier tag” Throckmorton discloses (col.7, line 54-col.8, line 15) that the client device receives primary data as well as associated data, which is stored locally in the device so the user does not have to go and look for the associated data related with the primary data which is playing on the display device. The associated data provider has already been previously researched and sent as associated data with primary data which is hidden/stored in local storage device so the user can have enhanced viewing experience.

Regarding **claim 31**, “a method of disseminating information for use in a portable device comprising: generating first content adapted for dissemination from a broadcast source and generating second content adapted for dissemination from an information source” Throckmorton discloses (col.4, lines

16-20) a system that receives media from primary and associated sources and sends it over to receiver (abstract) as represented in Fig. 2 (elements 10, 16).

As to “using an authoring system to apply tags to said first and second content, the tags being configured to define an integrating relationship between the first content and the second content” Throckmorton discloses (col.4, lines 52-55; col.5, lines 15-18, lines 48-52) that the data synchronizer synchronizes primary data stream with specific data stream associated with the primary stream and sends it to encoder via sequencer where encoder delivers the content to consumer’s medium and as represented in Fig. 2.

Throckmorton meets all the limitations of the claim except “providing said first content to a broadcast source adapted to broadcast to a portable device and providing said second content to an information source adapted to supply information upon demand to said portable device” However, Nagaoka discloses (¶0040) that the mobile terminal device receives the broadcasted data as well as the related data from TMS server and stores it in storage device of terminal. As to “providing the portable device, wherein the portable device has ability to synchronize and deliver said first content and said second content based on a channel upon which said first content was broadcast to the portable device, and based on a channel remote control function of the portable device” Nagaoka discloses (¶0045, ¶0046, ¶0047) that the receiver receives the data from broadcast station and obtains information related to data from TMS via public network, transmits both these data to the mobile terminal which stores it in

storage device. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to use a media delivery device such as mobile terminal to record and store the data received from receiver in order to make use of the program contents and the information related to this program by sharing it with other devices on the network and also to watch these programs whenever user wants to in his/her leisure instead of sending a request and waiting to receive a program.

3. **Claims 8 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,818,441 to Throckmorton et al (hereafter referenced as Throckmorton) in view of US Publication 2002/0152091 A1 to Nagaoka et al (hereafter referenced as Nagaoka) as applied to claim 1 above and further in view of well known prior art.

Regarding **claim 8**, "the system wherein the media content corresponds information in a rich text format" Throckmorton discloses (col.3, lines 62-67) that the primary and associated data are outputted in html format for text and graphic layout. However, the examiner takes official notice that it was well known in the art at the time of the invention to use rtf format instead of html format. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to use rich text format to Throckmorton's system since it contains smaller file size and does not contain complex formatting.

Regarding **claim 23**, "the method wherein the media content corresponds information in a rich text format" Throckmorton discloses (col.3, lines 62-67) that the primary and associated data are outputted in html format for text and graphic layout. However, the examiner takes official notice that it was well known in the art at the time of the invention to use rtf format instead of html format. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to use rich text format to Throckmorton's system since it contains smaller file size and does not contain complex formatting.

4. **Claims 9 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,818,441 to Throckmorton et al (hereafter referenced as Throckmorton) in view of US Publication 2002/0152091 A1 to Nagaoka et al (hereafter referenced as Nagaoka) as applied to claim 1 above and further in view of US Publication 2002/0059596 A1 to Sano et al (hereafter referenced as Sano).

Regarding **claim 9**, combination of Throckmorton and Nagaoka meets all the limitations of the claim except "the system wherein the media content corresponds to information in a binary language format." However, Sano discloses (§0033) that the data format converting unit converts the data format to an XML format that is received by a communication terminal. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to use XML/binary language format as taught by Sano in order to reduce the CPU cycles and produce smaller results.



Regarding **claim 24**, combination of Throckmorton and Nagaoka meets all the limitations of the claim except "the method wherein the media content corresponds to information in a binary language format." However, Sano discloses (§0033) that the data format converting unit converts the data format to an XML format that is received by a communication terminal. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to use XML/binary language format as taught by Sano in order to reduce the CPU cycles and produce smaller results.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US Patent 6,732,373 B2 to Harrison et al discloses a host device that receives primary and associated data to be provided on a hand held device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pinkal Chokshi whose telephone number is 571-270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt. Friday off).

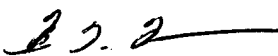
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/PRC/

  
BRIAN PENDLETON  
SUPERVISORY PATENT EXAMINER